REMARKS

Claims 1-6, 8-11, 13-22, 24-33, 37-41, and 43-46 are currently pending.

In the Final Office Action mailed April 10, 2003, the Examiner rejected claims 1-6, 8, 10-11, 13, 15, 16, 20-22, 24-29, 31, 33, 37-41, 43, 44, and 46 under 35 U.S.C. § 102(e) as anticipated by Wheeler, Jr. (U.S. Patent No. 5,583,920, "Wheeler"); rejected claims 17 and 19 under 35 U.S.C. § 102(e) as being anticipated by Gallant (U.S. Patent No. 56,259,782); rejected claims 14 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of Henderson et al. (U.S. Patent No. 6,327,363. "Henderson"); rejected claims 9, 30, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of Garcia (U.S. Patent No. 6,088,429); and rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Gallant in view of Wheeler.

By this amendment, Applicant amends claims 1, 11, 17, 20, 22, 26, 27, 33, and 37 to more appropriately claim the present invention; and cancels claim 12 without prejudice or disclaimer.

The Examiner rejected claims 1-6, 8, 10-11, 13, 15-16, 20-22, 24-29, 31, 33, 37-41, 43, 44, and 46 under 35 U.S.C. § 102(e) as anticipated by Wheeler. Applicant traverses this rejection for at least the reasons given below.

Claim 1 defines a method for reporting events in a wireless intelligent network. Claim 1 recites a combination including, *inter alia*, "identifying a group associated with a wireless subscriber when an event that indicates an error in routing a call to the wireless subscriber is detected."

In contrast, <u>Wheeler</u> discloses an intelligent peripheral in a video dial tone

network, and, in particular, states:

> The flow chart of FIG. 5 depicts a first mode of voice
> grade call processing in accord with the present invention,
> wherein an AIN type query and response communication
> procedure between the SSP and the ISCP is used to route
> appropriate calls to the IP. As noted above, voice telephone
> calls requiring some form of AIN service processing will
> include an event detectable as a trigger. This might be an
> off-hook on a line for a subscriber to a speech recognition
> dialing service. As another example, for a call-block service
> on calls to a particular subscriber, the triggering event would
> be the dialing of that subscriber's telephone number. This
> later type of trigger may take the form of a dialed number
> trigger set in the SSP servicing the caller, or this trigger may
> be set as a destination number trigger in the SSP serving the
> called subscriber. A variety of other triggers are known, and
> a particular trigger is set up in the SSP(s) as needed to
> effectuate each particular AIN service. For simplicity, the
> processing illustrated in FIG. 5 begins at some point during
> call processing when an SSP detects some event identified
> as a trigger (S1).

<u>Wheeler</u>, col. 30, ll. 15-3.

<u>Wheeler</u> triggers not based on events associated with errors (e.g., a busy signal, lack of

capacity, etc.). Rather, <u>Wheeler</u> triggers on specific AIN (Advanced Intelligent Network)

messages associated with AIN services, such as call-blocking. Indeed, <u>Wheeler</u>

expressly discloses that for ordinary voice grade telephone calls, "there would be no

event to trigger AIN processing; and the local and toll office switches would function

normally." <u>Wheeler</u>, col. 14, ll. 50-53. Moreover, since <u>Wheeler</u> triggers on specific

types of AIN messages, there is no reason for <u>Wheeler</u> to identify a group associated

with an error event. For at least these reasons, <u>Wheeler</u> fails to teach or suggest at

least one of the elements of amended claim 1 including, for example, "identifying a

group associated with a wireless subscriber when an event that indicates an error in routing a call to the wireless subscriber is detected. Claim 1 is thus not anticipated by Wheeler, and the rejection under 35 U.S.C. § 102(e) of claim 1 and claims 2-6, 8, and 10, at least by reason of their dependency from allowable claim 1, should be withdrawn.

Independent claims 11, 17, 20, 22, 26, 27, 33, and 37, although of different scope, include recitations similar to those of amended claim 1. Claims 13, 15, 16, 21, 24-25,28-29, 31, 38-41, 43, 44, and 46 depend from corresponding independent claims 11, 17, 20, 22, 26, 27, 33, and 37. For at least the reasons given with respect to claim 1, claims 11, 17, 20, 22, 26, 27, 33, and 37 are thus not anticipated by Wheeler, and the rejection under 35 U.S.C. § 102(e) of claims 11, 17, 20, 22, 26, 27, 33, and 37 should be withdrawn. At least by reason of their dependency from allowable claims 11, 17, 20, 22, 26, 27, 33, and 37, claims 13, 15, 16, 21, 24-25, 28-29, 31, 38-41, 43, 44, and 46 are not anticipated by Wheeler, and the rejection of these claims under 35 U.S.C. § 102(e) should also be withdrawn.

The Examiner rejected claims 17 and 19 under 35 U.S.C. § 102(e) as being anticipated by Gallant. Applicant traverses this rejection for at least the reasons given below.

Claim 17 recites a combination including, *inter alia*, "establishing the call from the wireline subscriber to the message node using the received directory number when an event that indicates an error associated with the call is detected."

Applicant disagrees with the Examiner when he alleges that Gallant at col. 7, ll. 39-40 discloses these limitations. A careful reading of the cited passage reveals that it merely states that a "call completion to the subscriber's voice mailbox could be

designated on the same day from 5:00 pm to 12:00 pm." Applicant fails to see the relevance, if any, in the cited passage. Nonetheless, <u>Gallant</u> merely describes a call forwarding system to enable one-number portability on a telephone system. (Abstract) Moreover, <u>Gallant</u>'s system uses triggers for requesting "instructions on how to process calls and conduct call set-up." <u>Gallant</u>, col. 5, II. 50-51. Nowhere, however, does <u>Gallant</u> teach or suggest the step of "establishing the call from the wireline subscriber to the message node using the received directory number when an event that indicates an error associated with the call is detected." For at least this reason, <u>Gallant</u> fails to teach at least this step of amended claim 17. Claim 17 is thus not anticipated by <u>Gallant</u>, and the rejection under 35 U.S.C. § 102(e) of claim 17 and claim 19, at least by reason of its dependency from allowable claim 37, should be withdrawn.

The Examiner rejected claims 14 and 32 under 35 U.S.C. § 103(a) as being unpatentable over <u>Wheeler</u> in view of <u>Henderson</u>. Applicant traverses this rejection for at least the following reasons.

Claim 14 depends from claim 11 and includes all the steps and recitations therein including, *inter alia*, "establishing calls, when the network detects the events that indicate the at least one error, between the message node a subscriber based on the directory numbers, wherein the message node selects one or more messages that are provided to a subscriber based on the directory numbers and the associated subscriber group." For at least the reasons given above, <u>Wheeler</u> fails to teach or suggest at least this step. Although <u>Henderson</u> teaches a system and method for accepting customer calls (also known as a call center), <u>Henderson</u> fails to cure the deficiencies of <u>Wheeler</u>, since it is silent with respect to the "establishing" step recited in claim 14. As such,

neither Wheeler nor Henderson teach or suggest the combination of claim 14, and it is allowable over Wheeler and Henderson, either taken alone or in any reasonable combination. Therefore, the rejection of claim 14 under 35 U.S.C. § 103(a) should be withdrawn.

A prima facie case of obviousness has not been made by the Examiner. To establish a prima facie case of obviousness under 35 U.S.C. §103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. (See M.P.E.P. §2143.03 (8th ed. 2001).) Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. Moreover, each of the there requirements must be found in the prior art, and not be based on Applicant's disclosure. (See M.P.E.P. § 2143 (8th ed. 2001).)

Concerning the motivation to combine, the Examiner acknowledges that "Wheeler does not teach storing the messages in a plurality of different languages" and alleges that Henderson teaches "messages are stored in a plurality of different languages." Final Office Action, p. 9. The Examiner then appears to use hindsight reasoning to suggest that it would have been obvious "to modify Wheeler with storing the messages in a plurality of different languages as taught by Henderson." Final Office Action, p. 10. Even if such as modification were possible (which Applicant doubts), there is no clue in either reference on how to make such a modification or whether the

modification would be successful. The Examiner's only apparent motivation is that Wheeler fails to disclose messages in a plurality of different languages and Henderson allegedly teaches such messages. However, other than such a use of hindsight, the Examiner has not provided any motivation from the references themselves as required by M.P.E.P. § 2143. Absent such support, the rejection of claim 14 should be withdrawn for this additional reason.

Claim 32, although of different scope, includes recitations similar to those of claim 14. For at least the reasons given above for claim 14, claim 32 is allowable over Wheeler and Henderson, either taken alone or in any reasonable combination. Therefore, the rejection of claim 32 under 35 U.S.C. § 103(a) should be withdrawn.

The Examiner rejected claims 9, 30, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of Garcia. Applicant traverses this rejection for at least the following reasons.

Claim 9 depends from claim 1 and includes all the steps and recitations therein including, *inter alia*, "identifying a group associated with a wireless subscriber when an event that indicates an error in routing a call to the wireless subscriber is detected." For at least the reasons given above with respect to claim 1, Wheeler fails to disclose at least this step. Although Garcia teaches an automated telephony system, Garcia fails to cure the deficiencies of Wheeler, since Garcia is silent with respect to the step of "identifying" recited in claim 9. For at least this reason, neither Wheeler nor Garcia teaches or suggests the combination of claim 9, and it is thus allowable over Wheeler and Garcia, either taken alone or in any reasonable combination. Therefore, the rejection of claim 9 under 35 U.S.C. § 103(a) should be withdrawn.

Concerning the motivation to combine, the Examiner, as above, appears to use hindsight reasoning when he suggests that it would have been obvious "to modify Wheeler with a method where the message is executed in a telecommunications device for the deaf format as taught by Garcia." Final Office Action, p. 109. Even if such as modification were possible (which Applicant doubts), there is no clue in either reference on how to make such a modification or whether the modification would be successful. The Examiner's only apparent motivation is that Wheeler fails to disclose a telecommunication device for the deaf and Garcia teaches that device. However, other than such a use of hindsight, the Examiner has not provided any motivation from the references themselves as required by M.P.E.P. § 2143. Absent such support, the rejection of claim 9 should be withdrawn for this additional reason.

Claims 30 and 45, although of different scope, include recitations similar to those of claim 9. For at least the reasons given above for claim 9, claims 30 and 45 are allowable over Wheeler and Garcia, either taken alone or in any reasonable combination. Therefore, the rejection of claims 30 and 45 under 35 U.S.C. § 103(a) should be withdrawn.

The Examiner claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Gallant in view of Wheeler. Applicant traverses this rejection for at least the following reasons.

Claim 18 depends from claim 17 and includes all the steps and recitations therein including, *inter alia*, "establishing the call from the wireline subscriber to the message node using the received directory number when an event that indicates an error associated with the call is detected." For at least the reasons given above with respect

to claims 1 and 17, neither <u>Gallant</u> nor <u>Wheeler</u> teach or suggest at least this step. Claim 18 is thus allowable over <u>Gallant</u> or <u>Wheeler</u>, either taken alone or in any reasonable combination. Therefore, the rejection of claim 18 under 35 U.S.C. § 103(a) should be withdrawn.

Concerning the motivation to combine, once again, the Examiner appears to use hindsight reasoning when he suggests that it would have been obvious "to modify <u>Gallant</u> with terminating the call established from the wireline subscriber to the message node when a request for disconnect is received from the message node as taught by <u>Wheeler</u>." Final Office Action, p. 11. Even if such as modification were possible (which Applicant doubts), there is no clue in either reference on how to make such a modification or whether the modification would be successful. Other than hindsight, the Examiner has not provided any motivation from the references themselves as required by M.P.E.P. § 2143. Absent such support, the rejection of claim 9 should be withdrawn for this additional reason.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the pending claims in condition for allowance. Applicant submits that the proposed amendments of claims 1, 11, 17, 20, 22, 26, 27, 33, and 37 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against

Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.
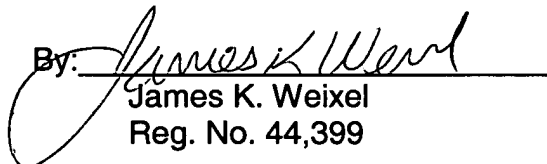
Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 07-2339.

Respectfully submitted,

Dated: 8/11/2003

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